

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, ex rel. the	)	
State Engineer,	)	
	)	
Plaintiff,	)	No. 69cv07941-BB
	)	
v.	)	
	)	
ROMAN ARAGON, et al.,	)	Rio Chama Adjudication
	)	
Defendants.	)	
_____	)	

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**JOINT STATUS REPORT RE: INTER-CASE SCHEDULING**

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Pursuant to the Special Master's July 16, 2007 *Order Setting Deadlines for Proposed Case Priorities Order* (Doc. No. 2550) ("Special Master's July 16, 2007 Order"), the United States of America ("United States") and the State of New Mexico ex rel. State Engineer ("State") hereby report on their efforts to formulate a proposed order concerning inter-case scheduling, and make recommendations concerning further proceedings on the matter.

1. Counsel for the United States and the State have shared detailed proposals concerning the scheduling of litigation tasks with other interested counsel, including attorneys representing the Zuni Indian Tribe, the Navajo Nation, Ohkay Owingeh, Santa Clara Pueblo, and acequias or acequia associations in New Mexico ex rel. State Engineer v. Abbott, Nos. 68cv7488-BB & 70cv8650-BB consolidated (D.N.M.) (Rio Santa Cruz & Rio de Truchas adjudication) and the present case, New Mexico ex rel. State Engineer v. Aragon, No. 69cv07941-BB (D.N.M.) (Rio Chama Adjudication). In addition, counsel for these parties met in Santa Fe on September 5, 2007 to discuss scheduling proposals.

2. Although there has been no formal agreement, the parties involved in these scheduling discussions appear to have reached a general consensus on adjustments to the pending schedule for proceedings on Ohkay Owingeh's water rights claims in Subproceeding 1 in the Rio Chama Adjudication, and have agreed to maintain the existing schedule for Ohkay Owingeh's claims in Subproceeding 2 in the Rios Santa Cruz/Truchas Adjudication.

3. In addition, counsel for the United States, the State, and the Zuni Indian Tribe have reached consensus on a proposed schedule for United States v. New Mexico ex rel. State Engineer, No. 07cv00681-BB (D.N.M.) (Zuni River Adjudication, Zuni Indian Claims Subproceeding), but are aware that any such proposal must necessarily be subject to comment by other parties at the November 27, 2007 planning and scheduling conference in that case.

4. Furthermore, counsel for the United States, the State, the Zuni Indian Tribe, and the Navajo Nation are in agreement that the pending deadline in United States v. A & R Productions, No. 01cv00072-BB (D.N.M.) (Zuni River Basin Adjudication) for initiation of the Cibola National Forest Subproceeding; the Federal Public Lands Subproceeding; and the El Morro National Monument, El Malpais National Monument, and El Malpais National Conservation Area Subproceeding; established by the Special Master's April 5, 2004 *Procedural and Scheduling Order for Federal and Indian Water Rights Claims* [Doc. No. 323 in 01cv00072-BB] should be vacated.

5. Counsel for the United States, the State, Santa Clara Pueblo, and other parties have a general agreement that some adjustment is warranted to the pending schedule for Pueblo Claims Subproceeding 3 in the Rios Santa Cruz/Truchas

adjudication, established by the Special Master's October 1, 2004 *Supplemental Scheduling Order on Pueblo Claims* [Doc. No. 2447 in 68cv07488-BB], but have not yet reached agreement on the specifics of an alternative schedule.

6. Otherwise, counsel for the United States and the State do not presently believe they have sufficient resources to meet all of the scheduling interests expressed by other parties, and are not in complete agreement among themselves as to the best allocation of resources among those competing interests. The undersigned counsel recommend that discussions continue for an additional 31 days and proposed to submit a further status report and recommendations on or before October 29, 2007.

Respectfully submitted: September 28, 2007

Electronically Filed

/s/ Bradley S. Bridgewater

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\_\_\_\_\_ (approved via telephone 9/28/2007)

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on September 28, 2007, I filed the foregoing *Joint Status Report Re: Inter-Case Scheduling* electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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